

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:05CV201-01-MU

MARK STEVEN JONES,

Plaintiff,

v.

JERRY KELLY, et al.,

Defendants.

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**ORDER**

**THIS MATTER** comes before the Court upon its own motion.

On July 7, 2005, the Court ordered the United States Marshals Service to complete service of process on the Defendants in the above-referenced case. The United States Marshals Service subsequently informed the Court that it was unable to execute service on Defendant Melton because Defendant Melton was no longer employed by the North Carolina Department of Correction.

The Court hereby orders the United States Marshals Service to make a reasonable investigative effort to locate Defendant Melton and serve him.<sup>1</sup>

**IT IS THEREFORE ORDERED THAT:**

1. Within sixty days of the filing date of this Order the United States Marshals Service is ordered to make a reasonable investigative effort to locate and serve Defendant Melton; and

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<sup>1</sup> The Court is aware that over 120 days have passed since the filing of the Complaint. However, for good cause, the Court extends the period in which Defendant Melton may be served until December 15, 2005. Fed. R. Civ. Pro. 4(m).

2. If the United States Marshals Service is unable to locate and serve Defendant Melton within sixty days of the filing date of this Order, the United States Marshals Service is ordered to report back to the Court the efforts made to locate this Defendant and why those efforts were unsuccessful.

**Signed: October 3, 2005**

A handwritten signature in black ink, reading "Graham C. Mullen", written over a horizontal line.

Graham C. Mullen  
Chief United States District Judge

